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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,340	10/01/2003	James Feeney	577-583	7155
23869 7590 06/26/2008 HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791				
EXAMINER				
AN, IG TAI				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/676,340

Applicant(s)

FEENEY ET AL.

Examiner

IG TAI AN

Art Unit

3687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-25 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-85/86)
Paper No(s)/Mail Date 9/21/2006, 6/7/2004
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Inventor's Patent Application
6) ☐ Other: _____

DETAILED ACTION

This communication is a First Office Action Non- Final Rejection on the merits.

Claims 1 - 25 are currently pending and have been considered below.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 4, 6 – 9, 11 – 15, 19 – 20, 23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Haluska (US 5638519).

As per Claims 1 and 12, Haluska teaches a method for complementing the inventory level of a distributor with the inventory of a manufacturer to fill an order requisition from a customer (Abstract and Column 6 lines 65 - Column 7 line 3) comprising the steps of:

providing a distributor computer capable of accessing inventory information relating to said distributor and manufacturer inventory (Column 5 lines 53 – 67 teaches distributor computer accessing both distributor and manufacturer's inventories);

filling a customer order requisition from at least one of said distributor or manufacturer inventory (Column 5 line 20 – 67 and Column 6 lines 55 – Column 7 lines

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46 teaches filling the customer order distributor inventory or manufacturer inventory) ;
and

generating a customer shipping document indicating fulfillment of said customer order from said distributor inventory (Column 5 line 20 – 67 teaches generating customer shipping document such as invoice from the distributor inventory).

As per Claims 2 and 13, Haluska teaches wherein said filling is from manufacturer inventory at a manufacturer location (Column 5 lines 40 – lines 67, Column 6 line 55 – Column 7 line 3 and Column 7 lines 11 – 21).

As per Claims 3 and 15, Haluska teaches wherein said generating step comprises generating said shipping documents at said manufacturer location where said customer order is filled (Column 3 lines 20 – 51 and Column 6 lines 55 – Column 7 line 32).

As per Claim 4, Haluska teaches wherein said generating step further comprises providing a manufacturer computer, said manufacturer computer being capable of generating said shipping documents to said customer (Column 3 lines 20 – 51 and Column 6 lines 55 – Column 7 line 32).

As per Claims 6, and 19, Haluska teaches wherein said generating step further comprises transmitting unique customer identifier information from said manufacturer computer to said shipping documents (Figure 3, Column 5 line 40 – 51 and Column 6 lines 65 – Column 7 line 33).

As per Claims 7 and 20, Haluska teaches wherein said filling step further comprises transmitting said unique customer identifier information from said distributor to said manufacturer (Figure 3, Column 5 lines 20 – 67).

As per Claims 8 and 14, Haluska teaches wherein said filling step further comprises providing a manufacturer computer, said manufacturer computer being capable of providing inventory levels, prices, order acknowledgements, advanced shipping notices, and invoices to said distributor (Figure 1 and Column 5 lines 40 – 67 and Column 6 lines 65 – Column 7 line 3).

As per Claims 9 and 23, Haluska teaches wherein said accessing is through an electronic network that allows said distributor to access said manufacturer inventory (Column 5 lines 20 – 39 and 53 – 67).

As per Claims 11 and 25, Haluska teaches allocating said identified purchase orders to manufacturer locations capable of filling said orders (Column 5 lines 20 – 67, Column 6 lines 65 – Column 7 lines 33).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claims 5, 17 - 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haluska in view of Heindel et al. (Hereinafter Heindel) (US 6304857).**

As per Claims 5, 17 and 18, Haluska teaches all the elements of the claimed invention, but is silent regarding wherein said generating step further comprises transmitting the distributor's name and logo from said manufacturer computer to said shipping documents.

Heindel discloses distributed electronic billing system with gateway interfacing biller and service center having wherein said generating step further comprises transmitting the distributor's name and logo from said manufacturer computer to said shipping documents (Abstract and Figure 2).

All the components are known in Haluska and Heindel. The only difference is the combination of the "old elements" into a single shipping document by customizing the shipping document to have distribution names and logos instead of manufacturer names and logos.

Therefore, it would have been obvious to one of ordinary skill in the art to have distributor's name and logos on the shipping documents instead of manufacturer's name and logos as taught by Haluska and Heindel and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As per Claim 21, Haluska teaches all the elements of the claimed invention but is silent regarding wherein said transmitted unique customer identifier information comprises the name and address of said customer.

Heindel discloses distributed electronic billing system with gateway interfacing biller and service center having wherein said transmitted unique customer identifier information comprises the name and address of said customer (Figure 2).

All the components are known in Haluska and Heindel. The only difference is the combination of the "old elements" into one customer identification information by adding customer's name and address to the customer identification information.

Therefore, it would have been obvious to one of ordinary skill in the art to transmit customer identification information which includes customer's name and address as taught by Haluska and Heindel and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

6. Claims 10 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haluska in view of Johnson et al. (hereinafter Johnson) (US 6023683).

As per Claims 10 and 24, Haluska teaches all the elements of the claimed invention but is silent regarding transmitting a purchase order from said distributor to said manufacturer, said purchase order being identified as for direct shipping to said customer from said manufacturer location where said order is filled.

Johnson discloses electronic sourcing system and method transmitting a purchase order from said distributor to said manufacturer, said purchase order being identified as for direct shipping to said customer from said manufacturer location where said order is filled (Column 17 lines 34 – 54).

Therefore, from this teaching of Johnson, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify manufacturer and distributor share the view of inventory levels and the order is processed from either distributor or manufacturer of Haluska to include direct shipping from the manufacturer as taught by Johnson to reduce shipping time.

Furthermore, all the claimed elements were known in the prior arts of Haluska and Johnson and one in the one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haluska in view of Joao (US 20020099567).

As per Claim 16, Haluska teaches all the elements of the claimed invention but is silent regarding the packing slip, the pallet posting documents and the container pack list.

Joao discloses apparatus and method for providing shipment information having the packing slip, the pallet posting documents and the container pack list (Abstract and Paragraph 2).

Therefore, from this teaching of Joao, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify manufacturer and distributor share the view of inventory levels and the order is processed from either distributor or manufacturer of Haluska to include shipping document comprise packing slip or document can be attached to pallet or container as taught by Joao to easily identify the shipping materials.

Furthermore, all the claimed elements were known in the prior arts of Haluska and Joao and one in the one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haluska in view of Estes et al. (Hereinafter Estes) (US 20030208411).

As per Claim 22, Haluska teaches all the elements of the claimed invention but is silent regarding wherein said the customer-selected delivery method.

Estes discloses system, method, and article of manufacture for shipping a package privately to a customer having the customer-selected delivery method (Paragraph 90).

Therefore, from this teaching of Estes, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify manufacturer and distributor share the view of inventory levels and the order is processed from either distributor or manufacturer of Haluska to include customer selected delivery method as taught by Estes to increase customer satisfaction.

Furthermore, all the claimed elements were known in the prior arts of Haluska and Estes and one in the one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Doyle et al. (US 594551) discloses computer integration network for channeling customer order through centralized computer to various suppliers.

Mosher et al. (US 6029143) discloses wireless communication product fulfillment system.

Pape et al. (US 6505094) discloses system and method for shipping items from a distribution facility.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IG TAI AN whose telephone number is (571)270-5110. The examiner can normally be reached on Monday - Thursday from 9:30 AM to 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

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800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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